

Moved by MoyleSeconded by SaylerIN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO H.B. NO. 203

## AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 25, following "ENERGY." insert: "(1)"; in line 26 following "property of" insert: "commercial"; delete lines 31 through 33, and insert: "~~be paid.~~ (2) As used in this section, the term "renewable energy" means energy generated from the following sources: wind energy, geothermal resources, renewable biomass, solar energy and landfill gas power. As used herein "renewable biomass" means any organic matter that is available on a renewable or recurring basis including: renewable plant material including feed grains, other agricultural commodities, other plants and trees and algae; and waste material including crop residue, other vegetative waste material (including wood waste and wood residues), animal waste and byproducts (including fats, oils, greases and manure) and construction waste and yard waste.

Any property exempt from taxation pursuant to this section shall not be included on the new construction roll pursuant to section 63-301A, Idaho Code.

Property exempt from taxation pursuant to this section means industrial fixtures, devices and support facilities that are integral and necessary to the generation of electricity using wind, geothermal resources, renewable biomass, sun, or landfill gas as the principal source of power.

"Machinery and equipment" includes all operating property as described in section 63-3501(h), Idaho Code. "Machinery and equipment" does not include: hand-powered tools; property with a useful life of less than one (1) year; repair parts required to restore machinery and equipment to normal working order; replacement parts that do not increase productivity, improve efficiency or extend the useful life of machinery and equipment; buildings or building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building. "Machinery and equipment" is used directly in generating electricity by wind energy, geothermal resources, renewable biomass, solar energy or landfill gas power if it provides any part of the process that captures the energy of the wind, geothermal resources, renewable biomass, sun, or landfill gas, converts that energy to electricity and stores, transforms or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems or for the owner's own use.

The owner of an existing renewable energy project, which is not exempt from property taxation on February 1, 2009, shall make an election as to whether to be taxed on the property tax or the production tax. The owner shall certify to the county assessor and the state tax commission by April 15, 2010, that he is making application for the exemption allowed pursuant to this section. Once the owner of the property applies for the exemption and the exemption is granted, the property shall forever be exempt from property taxation as long as it qualifies for the exemption provided pursuant to this section by virtue of payment of the tax provided in section 63-3502B, Idaho Code, and produces electric energy."

## AMENDMENT TO SECTION 2

On page 3, delete lines 5 through 7, and insert:

"(j) The term "renewable energy" means energy generated from the following sources: wind energy, geothermal resources, renewable biomass, solar energy and landfill gas power. As used herein "renewable biomass" means any organic matter that is available on a renewable or recurring basis including: renewable plant material including feed grains, other agricultural commodities, other plants and trees and algae; and waste material including crop residue, other vegetative waste material (including wood waste and wood residues), animal waste and byproducts (including fats, oils, greases and manure) and construction waste and yard waste."

## CORRECTION TO TITLE

On page 1, delete line 5, and insert: "IS EXEMPT FROM TAXATION, TO DEFINE TERMS AND TO PROVIDE APPLICATION;".